



UNITED STATES
**SECURITIES AND EXCHANGE
 COMMISSION**
 100 F. Street N.E.
 Washington, D.C. 20549

March 17, 2021

Via ECF and Electronic Mail

The Honorable Analisa Torres
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007-1312

Re: SEC v. Rio Tinto, et al., No. 1:17-cv-07994 (AT) (DCF)

Dear Judge Torres:

We write on behalf of all parties pursuant to the Court's March 3, 2021, Order (ECF No. 212), instructing the parties to submit a proposed plan of action for the case. This joint proposed schedule assumes that the Court will allow the parties to file their requested *Daubert* and summary judgment motions outlined in the previously filed pre-motion letters. See ECF Nos. 201 through 206.

| Event | Deadline |
|--------------------------------------------------------------------------------|--------------------------|
| Parties file consolidated <i>Daubert</i> briefs | Monday, April 12, 2021 |
| Defendants file summary judgment consolidated brief | Friday, April 16, 2021 |
| Parties file briefs in opposition to consolidated <i>Daubert</i> motions | Wednesday, May 12, 2021 |
| Parties file reply briefs in support of consolidated <i>Daubert</i> motions | Wednesday, May 26, 2021 |
| SEC files opposition to consolidated summary judgment brief | Wednesday, June 9, 2021 |
| Defendants file consolidated reply brief in support of summary judgment motion | Wednesday, June 30, 2021 |

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The parties have also agreed to the following briefing page limits: (1) the consolidated summary judgment brief and opposition brief will be limited to 75 pages each, and the reply brief will be limited to 30 pages; (2) the consolidated *Daubert* motions and oppositions will be limited to 75 pages each, and the replies will be limited to 30 pages.

Separately, while Defendants believe their summary judgment motions should dispose of this case in its entirety, a point the SEC contests, Defendants respectfully request that the Court set a trial date in mid-November 2021 with sufficient lead time to ensure that the overseas witnesses have adequate time to reserve time on their calendars. The SEC confirms that it also can be ready for a trial in this matter beginning in mid-November 2021 and defers to the Court on scheduling. The parties expect that a trial would take approximately four weeks. Defendants also note for the Court that the Australian Securities and Investment Commission's case against Defendants is currently set for trial on February 28, 2022.

Enclosed is a Proposed Scheduling Order incorporating the suggested dates above.

Respectfully submitted,

/s/ Tom Bednar
Thomas A. Bednar
Supervisory Trial Counsel
Securities & Exchange Commission
(202) 551-6218
Counsel for Plaintiff

cc: Counsel for Defendants